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| 09/770,070 | 01/24/2001 | Michael Lunsford | PALM-3238 | 7197 |

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| EXAMINER |
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MEHRPOUR, NAGHMEH

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01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/770,070 | Applicant(s) LUNSFORD ET AL. | |
| | Examiner Naghmeh Mehrpour | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 35, 37-42, 45-48, 49-53, 56-64, 67**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Erekson (US Patent 6,622,018), in view of Layton et al. (US Patent Number 6,829,478) in view further of Page et al. (US Patent 6,801,787 B1).

Regarding **claims 35, 46, 52, 57, 63**, Erekson teaches a personal digital assistant10-70/system (see figure 2, col 5 lines 20-31, lines 37-41) and comprising:

- a processor (see figure 1, 101);
- a memory unit to store instruction for the processor (see figure 2, 103/102);
- a wireless communications device to wirelessly transmit a control signal (see figure 2, 103/102);
- a display device (see figure 2, 105); and
- a bus 110 coupled to the processor, the memory unit 103/102, the wireless communications devices, and the display device 105 to communicate the information (col 5 lines 37-50); and

instructing displaying a device menu, via the display device, to permit a user to enter data to the device menu for controlling operation of a external device, the operation of the external device to be controlled (col 5 lines 36-53, col 6 lines 5-9, col 9 lines 7-17); and

instructions for wirelessly transmit via the wireless communication device, at a first time corresponding to the time data, a control signal to cause the external device to perform a first action, the first time indicated by the internal clock (col 5 lines 36-53, col 6 lines 10-20, col 7 lines 10-21).

Erekson teaches a stylus display device 105 which a common can be selected from a menu of commands displayed on display device 105. The command is transmitted to the remote device over a wireless connection using receiver/transmitter device (col 6 lines 5-20), and a rendering of a mechanism that can be used to control the remote device, such as an on/off switch. Erekson fails to teach instructions for displaying a device schedule menu, via the display device, to permit a user to enter data to the device schedule menu for controlling operation of a external device, the operation of the external device to be controlled in accordance with time data directly entered via the device schedule menu, notify the user via alarm an impending action at a first time corresponding to the time data. However, Layton teaches instructions for displaying a device schedule menu, via the display device, to permit a user to enter data to the device schedule menu for controlling operation of a external device, the operation of the external device to be controlled in accordance with time data directly entered via the device schedule menu, notify the user via alarm an impending action at a first time

corresponding to the time data (col 8 lines 39-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Layton with Erekson system, in order to provide suitable command instructions to secure of turn various device on certain time. Erekson modified by Layton fails to teach an internal clock integrated within the personal digital assistant, and indicated by the internal clock. However, Page teaches an internal clock integrated within the personal digital assistant, and indicated by the internal clock (col 6 lines 25-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Page with Erekson modified by Layton system, in order to provide flexibility to choose the type of display, the speed and power of the processor, the size of memory or other features of the functions of the controller module that are not typically directed to the transceiver

Regarding **claim 36** Erekson teaches a computing device wherein personal digital assistant is further configured to receive, via the wireless communications device, a signal from the external device receiving the control signal from the personal digital assistant (col 6 lines 5-20, lines 37-40).

Regarding **claims 37, 48, 59**, Erekson teaches a Personal Digital Assistant /system/ machine readable medium that control external devices (col 5 lines 20-31, lines 37-41). Erekson fails to teach a device wherein the signal via the wireless communication device is an acknowledgement from the external device. However Layton teaches teach

a system wherein the device for wirelessly transmitting an acknowledgement signal to the portable computing device (0123). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Layton with Erikson system, in order to provide satisfaction and comfort to the user

Regarding **claims 38, 48, 60**, Erikson teaches a Personal Digital Assistant /system/ machine readable medium that control external devices (col 5 lines 20-31, lines 37-41). Erikson fails to teach a device wherein the signal received via the wireless communications device includes status information from the external device. Layton teaches teach a system wherein the signal received via the wireless communications device includes status information from the external device (0112). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Layton with Erikson system, in order to provide suitable command instructions to secure of turn various device on certain time.

Regarding **claims 39, 50, 58, 61**, Erikson teaches a computing device/machine readable medium/method wherein the computing device is further configured to: wirelessly transmit via the wireless communication device, at a second time, a second control signal to cause the external device to perform a second action (col 5 lines 37-50, col 6 lines 37-46). However, Erikson fails to teach a device responsive to time data. However, Layton teaches response to time data (col 8 lines 39-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the above teaching of Layton with Ereksen system, in order to provide suitable command instructions to secure of turn various device on certain time.

Regarding **claims 40, 51, 62**, Ereksen teaches a system/method wherein the action is activating the **external** device deactivating the external device or adjusting a setting of the **external** device (col 6 lines 57-65).

Regarding **claims 41, 52, 63**, Ereksen teaches a computing device/method wherein the computing device is configured to according claim 35.

Regarding **claims 42, 53, 64**, Ereksen teaches a computing device/method wherein the computing device is configured to according to claim 35.

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Regarding **claims 45, 56, 67**, Ereksen fails teach a computing device/method wherein the computing device is configured to:

instruction for alarming before wirelessly transmitting the control signal; and

permit a user to cancel the wireless transmitting of the control signal before the control signal is wirelessly transmitted after the alarming.

However Layton teaches a computing device wherein the computing device is configured to:

Instruction for alarming before wirelessly transmitting the control signal; and

permit a user to cancel the wireless transmitting of the control signal before the control signal is wirelessly transmitted after the alarming (col 8 lines 39-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the above teaching of Layton with Erikson, in order to allow the user monitoring and control of selected conditions and functions.

Regarding **claim 47**, Erikson teaches the machine readable medium further comprising instructions for receiving a signal from the external device in response to the receiving the control signal from external the computing device (col 6 lines 5-20).

2. **Claims 43-44, 54-55, 65-66**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Erikson (US Patent 6,622,018) in view of Layton et al. (US Patent Number 6,829,4781) and page et al. (US Patent 6,801,787) in further view of Mahany et al. (US Patent Number 5,657,317).

Regarding **claims 43, 65**, Erikson modified by Layton and page fails to teach a machine-readable medium system comprising: a mobile phone for extending the communication distance between the portable computing external device and the device (see figure 1b, col 11 lines 40-59). However Mahany a mobile phone for extending the communication distance between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Erikson modified by Layton and page, in order for the mobile user to be

able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claim 54**, Erikson modified by Layton and page fails to teach a machine-readable medium system comprising: instructions for permitting a user to enter a regular time period for wirelessly retransmitting the control signal to cause the external device to perform the first action. However, Mahany teaches a machine-readable medium system comprising: instructions for permitting a user to enter a regular time period for wirelessly retransmitting the control signal to cause the external device to perform the first action (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Erikson modified by Layton modified by page, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claims 44, 55, 66**, Erikson modified by Layton does not specifically mention that the system/method comprises: a relay for wirelessly extending the communication range between the portable computing device and the external device. However Mahany teaches a system comprises: a relay (35, 36) for wirelessly extending the communication range between the portable computing device and the device (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with

Erekson modified by Layton and page, in order, for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Response to Arguments

3. Applicant's arguments filed 12/04/07 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *whose frequency is determined by the quartz crystal*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

January 5th 2008

NAGHMEH MEHRPOUR
PRIMARY EXAMINER